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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/663,704 | 09/17/2003 | Yoichi Nemugaki | 242935US3 | 3973 |
| 22850 | 7590 | 10/22/2007 | | |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | | |
| | | | EXAMINER LAZORCIK, JASON L | |
| | | | ART UNIT 1791 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/663,704 | Applicant(s) NEMUGAKI, YOICHI | |
| | Examiner Jason L. Lazorcik | Art Unit 1791 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11, and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nemugaki (WO 00/78685 where US 6,722,160 B1 is applied as the English language translation) in view of Dominka (US 5,494,254).

As previously presented with respect to **Claim 8**, Nemugaki teaches (see Claim 1) an “air-cooling/tempering method for air cooling and tempering a glass plate” comprising

- 1) “a transferring device” or conveying means
- 2) Providing “a plurality of air-blowing heads positioned along the transferring device which blow air to the upper and lower faces of the glass plates” which are held equivalent to the plurality of upper and lower blowing methods.

Each of the plurality of air supply boxes is provided with a damper and each box is connected to a respective blowing member via a plurality of flow paths

as evidenced by figure1. It is understood that since the blowing of air can be "started and stopped, the apparatus inherently incorporates an air-supply which is capable of controlling the "blow/stop" operation of cooling air to each of the blowing members

- 3) The process comprises "stopping the blowing of air in the air-blowing area" which is held equivalent to the claimed step of "stopping the cooling air from all of the upper and lower blowing members in the cooling area in an initial state",
- 4) A second step of "starting the blowing of air when "an entirety of the glass plate is transferred into (the apparatus" which is held equivalent to the claimed step of "flowing cooling air from all of the upper and lower blowing members when the substantially whole of a conveyed glass sheet is entered in the cooling area,
- 5) And a further step of "stopping the blowing" and as set forth in the reference claim 3 stopping said blowing in "a sequential order of areas though which the glass plate is passed" which is held equivalent to the claimed process of sequentially stopping the cooling air blown to the conveyance position of the glass sheet after the last glass sheet in the cooling area is passed.

Regarding **claims 10 and 11**, the immediate reference clearly indicates that the "transferring device comprises a plurality of tempering rollers" (Column 22, Line 22-23) and that said rollers "move vertically with the transfer of the glass plate" (Column 22, Lines 30-32).

With respect to the newly added limitations directed to the structure of the cylindrical dampers, Nemugaki '160 teaches with reference to figure 8 that "dampers 250S...252b..are respectively provided at air supply ports...formed in air-blowing boxes. The dampers ...are controlled independently to be opened and closed by means of a controller (not shown) respectively" (Column 15, lines 1-11). Nemugaki '160 is silent regarding the particular structural details of these dampers. However absent any unexpected and compelling evidence to the contrary, it is the Examiners position that that one of ordinary skill in the art could here substitute any design of damper or other valve capable of providing the requisite independent control over air flow in each of the air blowing heads under typical operating conditions.

With this point in mind, Dominka (US 5,494,254) teaches a rotary shut off valve (see figures 4 below) comprising a cylindrical damper (12) with perforated hole (12b) provided at the side of the damper, a casing (16 and 20) for rotatably accommodating the damper, and a "slide" bearing (30 and 38) between the damper and the casing. When the cylindrical damper is provided at a predetermined rotational position, a continuous communication path along the central flow passage (20a) through the perforated hole (12b) of the cylindrical damper is provided. Since Dominka teaches that the disclosed valve design advantageously provides precision actuation, low associated construction and installation costs, and enhanced durability with low maintenance requirements (Column 1, Lines 35-41), it would have been an obvious design choice for the dampers described in the Nemugaki apparatus.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nemugaki (WO 00/78685 where US 6,722,160 B1 is applied as the English language translation) as applied above to Claim 8 and further in view of Nikander (US 5,846,281). In short as set forth above, Nemugaki '160 teaches the apparatus for conveying a glass sheet comprising the claimed upper and lower blowing members in parallel along the conveyance direction along with the requisite air-supply boxes and air supply source. The reference further teaches a method of conveying and tempering the glass sheet by first stopping the flow of cooling air from all blowing members, second conveying a sheet into the cooling area, third start cooling air flow from all blowing members, and fourth sequentially stopping cooling air flow as the sheet is conveyed downstream of a given upper/lower blowing member.

As set forth in the prior office action, the Nemugaki '160 reference indicates that "the air-blowing heads are each disposed between the adjacent tempering rollers ...and configured to move vertically" (column 22, lines 35-37). The heads are raised and lowered in response to the conveyance of the glass sheet along the direction of conveyance. The air nozzle associated with each of these blowing heads is therefore understood to be "swingable" in the conveying direction of the glass sheet. That said, Nemugaki is silent regarding the particular process limitation wherein "the cooling air is blown perpendicularly to a surface of the conveyed glass sheet by swinging the air nozzle".

The Patent to Nikander (US 5,846,281) teaches a quench head for use in a glass tempering operation. Specifically, Nikander teaches that the coolant impinging on the glass surface from the quench head air jet should be "about perpendicular to the main planar surface of the glass and does not deviate from the perpendicular direction more than 20 degrees" (Column 1, Lines 15-23). Regarding the particular structure of the Nikander apparatus, the reference discloses an upper and lower quench head comprising sequential rows of air blowing heads or nozzle blocks.

Therefore in light of the Nikander teachings, it would have been obvious to one of ordinary skill in the art to modify the Nemugaki '160 apparatus with the Nikander adjustable air-nozzles, which are "swingable" in the conveyance direction of the glass sheet, in order to maintain proper spacing and alignment of said blowing members with the conveyed sheet.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nemugaki (WO 00/78685 where US 6,722,160 B1 is applied as the English language translation) and Dominka (US 5,494,254) as applied above to Claim 8 and further in view of Nikander (US 5,846,281). As set forth above, the Dominka modification to Nemugaki '160 teaches the claimed rotational damper assembly and Nikander teaches the claimed swingable air-nozzles to maintain perpendicular alignment between the glass sheet and said nozzles. Therefore the particular limitations set forth in the instant claim are rendered prima facie obvious over the combined prior art of record.

Response to Arguments

Applicant's arguments filed August 6, 2007 have been fully considered but they are not persuasive.

With respect to the rejection of claim 8, Applicant acknowledges that Nemugaki (WO 00/78685) discloses a plurality of upper and lower air supply boxes denoted by elements 130 and 150, respectively. Applicant further acknowledges that each of the air supply boxes is provided with a damper (e.g. 250, 252) and each box is connected to a respective blowing member via a plurality of flow paths as evidenced by figure 1.

Applicant then argues that the prior art structure differs from that claimed since Nemukagi requires "a separate damper for each of the flow paths".

First, the Examiner disagrees with Applicants interpretation of the Nemugaki reference. Specifically, the instant reference provides neither an explicit nor an implicit requirement such that each of the flow paths is provided with a separate, and independent damper device. Rather, Nemugaki teaches only that each supply box is supplied with a damper.

Second, Applicants claim language does not require the alleged "dampers in divided air supply boxes which each having a plurality of flow paths". In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., dampers in divided air supply boxes with each having a plurality of flow paths) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Next with respect to the rejection of Claim 14, Applicant argues that Nemugaki does not teach that claimed air nozzles "swingable" in the conveying direction of the glass sheet. Further, Applicant argues that Nikander teaches tilting of the nozzles in a direction transverse to the conveying direction and not in the conveying direction of the glass sheet. Applicant concludes that one of ordinary skill in the art could not arrive at the claimed apparatus with nozzles swingable in the direction of glass sheet conveyance from the combined prior art teachings..

The Examiner is unpersuaded by Applicants argument.

It is first noted that whether the Nikander nozzles are swingable in the conveyance direction or perpendicular thereto relates to a matter of intended use. The central teaching of Nikander is that the air jet impinging upon the glass sheet should be "about perpendicular to the planar surface of the glass" (Column 1, lines 15-23) and that this may be accomplished with adjustable nozzle heads or "swingable" quench nozzles. The quench heads of the Nemugaki apparatus are adjustable in the conveyance direction in response to the advancement of a bent glass sheet. In order to maintain the perpendicular alignment of the quench heads to the glass sheet in the Nemugaki apparatus as advocated by Nikander, it follows that one of ordinary skill in the art would provide the claimed "swingable" nozzle actuation in the direction of conveyance.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L. Lazorcik whose telephone number is (571) 272-2217. The examiner can normally be reached on Monday through Friday 8:30 am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLL


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